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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-164

13 **JEANETTE MARIE MARTZ**
4010 Springhill Road
Lafayette, CA 94549

ACCUSATION

14 Registered Nurse License No. 538874

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about November 25, 1997, the Board of Registered Nursing issued
23 Registered Nurse License Number 538874 to Jeanette Marie Martz (Respondent). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on June 30, 2009, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code (Code) provides, in
4 pertinent part, that the Board may discipline any licensee, including a licensee holding a
5 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
6 2750) of the Nursing Practice Act.

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
8 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
9 against the licensee or to render a decision imposing discipline on the license. Under section
10 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
11 the expiration.

12 6. Section 2761 of the Code states, in pertinent part:

13 "The board may take disciplinary action against a certified or licensed nurse or
14 deny an application for a certificate or license for any of the following:

15 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

16 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed
17 nursing functions."

18 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
19 request the administrative law judge to direct a licensee found to have committed a violation or
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
21 and enforcement of the case.

22 8. California Code of Regulations, Title 16, section 1442, states:

23 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
24 departure from the standard of care which, under similar circumstances, would have ordinarily
25 been exercised by a competent registered nurse. Such an extreme departure means the repeated
26 failure to provide nursing care as required or failure to provide care or to exercise ordinary
27 precaution in a single situation which the nurse knew, or should have known, could have
28 jeopardized the client's health or life."

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Gross Negligence)**

3 9. Respondent is subject to disciplinary action under Code section 2761(a)(1)
4 in that she engaged in unprofessional conduct by committing gross negligence as defined in Title
5 16, California Code of Regulations, section 1442. The circumstances are set forth in paragraph
6 10, below.

7 10. On or about December 2004 through March 2006, Respondent was
8 employed as Director of Nursing at SunBridge Care and Rehabilitation San Leandro
9 ("SunBridge"). During said time period, by her own admission, Respondent's practice at
10 SunBridge was to write and implement orders for patients prior to obtaining the orders from
11 physicians.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 11. Respondent is subject to disciplinary action under Code section 2761(a) in
15 that she engaged in general unprofessional conduct when she wrote and implemented orders for
16 patients prior to obtaining the orders from physicians. The circumstances are set forth in
17 paragraph 10, above.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct: Gross Negligence)**

20 12. Respondent is subject to disciplinary action under Code section 2761(a)(1)
21 in that she engaged in unprofessional conduct by committing gross negligence as defined in Title
22 16, California Code of Regulations, sections 1442. The circumstances are set forth in paragraph
23 13, below.

24 13. On or about March 22, 2006, Respondent, while employed as Director of
25 Nursing at SunBridge, completed a portion of a required report regarding a patient's fall prior to
26 discussing the incident with the interdisciplinary team. After meeting with the interdisciplinary
27 team and realizing her portion of the report was in error, Respondent directed a nurse to remove
28 the original report from the clinical record and substitute another report in its place without

1 noting the substitution in the record, thereby falsifying the patient's medical documentation.

2 **FOURTH CAUSE FOR DISCIPLINE**

3 **(Unprofessional Conduct)**

4 14. Respondent is subject to disciplinary action under Code section 2761(a) in
5 that she engaged in general unprofessional conduct when she formulated a care plan before
6 consulting the interdisciplinary team and later directed a nurse to falsify documentation regarding
7 the care plan. The circumstances are set forth in paragraph 13, above.

8 **PRAYER**


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 538874, issued
12 to Jeanette Marie Martz;

13 2. Ordering Jeanette Marie Martz to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: 11/26/09

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RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant